

REVISION OF BOUNDARIES OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM UNITS IN RHODE ISLAND

JULY 9, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following,

R E P O R T

[To accompany H.R. 2027]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2027) to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in Rhode Island, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 2027 is to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in Rhode Island.

BACKGROUND AND NEED FOR LEGISLATION

Coastal barriers are natural landscape features that protect the mainland, lagoons, wetlands and salt marshes from the full force of wind, wave and tidal energy. Major types of coastal barriers include fringing mangroves, tombolos, barrier islands, barrier spits and bay barriers. Composed of sand and other loose sediments, these elongated, narrow land forms are dynamic ecosystems and prone to frequent disruption by storms. They are the first line of defense against the strong winds, huge waves and powerful storm surges that accompany hurricanes. Despite their vulnerability,

these areas are attractive places to build private homes and resorts.

The John H. Chafee Coastal Barrier Resources System (CBRS) is made up of coastal barrier units delineated on maps adopted by Congress. Except for very minor technical changes to account for natural accretion and erosion, boundaries cannot be adjusted unless Congress passes a law adopting revised maps. The coastal barrier units consist of undeveloped sections of coastal barrier islands and the associated aquatic habitat which lies behind these barriers. The CBRS was created by the Coastal Barrier Resources Act (CBRA, Public Law 97-348) and expanded by the Coastal Barrier Improvement Act of 1990 (Public Law 101-591). The law is administered by the U.S. Fish and Wildlife Service (FWS) of the Department of the Interior.

Inclusion of property in CBRS does not prevent private development of land, nor does it prevent actions necessary to process and issue federal permits necessary for development. However, it does place significant restrictions on the availability of any new federal financial assistance to develop the property. For example, after October 1, 1983, no new federal flood insurance can be issued for properties in CBRS. For those homeowners who were issued flood insurance policies before the deadline, the policies remain in force. However, if the property is damaged more than 50 percent of its value and a claim is placed, the claim will be paid but the insurance policy cannot be renewed. In addition, if an insured structure is substantially expanded or replaced with more intensive development, insurance coverage is lost.

In addition to the federal flood insurance limitation, CBRA prohibits most new federal financial assistance, if those expenditures encourage development. This would include funds for certain types of disaster relief, community block grants, Federal Home Administration housing loans, water systems and wastewater treatment grants, flood control and beach erosion projects, and highway construction projects.

There are also 271 "Otherwise Protected Areas" (OPAs) included in the CBRS comprising approximately 1.7 million acres. These areas include national wildlife refuge lands, national parks and seashores, state parks, military bases and conservation lands owned by private organizations. These units were incorporated within the CBRS with the enactment of the Coastal Barrier Improvement Act of 1990. While federal flood insurance is not available within these areas, OPAs are eligible for other federal financial assistance. When OPAs were included in the System, they were delineated with rudimentary mapping tools based upon pre-existing boundary data. As a result of technological advancements in geographic information systems, databases and digital mapping techniques, OPA boundaries have been shown to have embedded inaccuracies. FWS continues to uncover cases where OPA boundaries do not coincide with the actual legal land boundaries.

The entire CBRS, including OPAs, has 856 units and more than 3 million acres of fastland and associated aquatic habitat along the Atlantic Ocean, the Gulf of Mexico, and the Great Lakes. Since its enactment almost thirty years ago, CBRS has saved taxpayers at least \$1.3 billion.

H.R. 2027 would revise four CBRS units in Rhode Island. Two of the units were created by the original implementing legislation in 1982 and the other two units are OPAs. FWS was initially contacted in 2004 regarding the cancellation of federal flood insurance for a homeowner who had property in the Easton Beach OPA (RI-05P). As a result of its investigation, FWS ruled that the private property should not have been incorporated within this OPA. In addition, FWS conducted a comprehensive review of several Rhode Island maps and found a number of mistakes involving private property owners.

Since FWS lacks statutory authority to correct mapping errors, this legislation will remove the Easton Beach homeowner from the system and make a number of other modifications. In total, the legislation removes 20 acres of privately owned fastland and 2 acres of associated aquatic habitat from CBRS. At the same time, the measure adds 34 acres of fastland and 33 acres of aquatic habitat to the system. These lands include boundary changes to the Norman Bird Sanctuary and several local public beaches. The net effect of these changes is that 45 new acres will be added to CBRS. There is no cost to the taxpayers for these changes and potentially some savings in the future.

CENTER FOR BUDGET AND PRIORITY SETTING

COMMITTEE ACTION

H.R. 2027 was introduced on May 26, 2011, by Congressman David Cicilline (D-RI). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs. On October 25, 2011, the Subcommittee held a hearing on the bill. On November 17, 2011, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs was discharged by unanimous consent. No amendments were offered, and the bill was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 2027—A bill to revise the boundaries of the John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit M-06, and Hazards Beach Unit M-07 in Rhode Island

H.R. 2027 would update a map of the Coastal Barrier Resources System (CBRS) near Newport, Rhode Island. Based on information from the U.S. Fish and Wildlife Service, CBO estimates that implementing the legislation would have no significant impact on the federal budget. H.R. 2027 could affect direct spending; therefore, pay-as-you-go procedures apply. However, we estimate that any net change in direct spending would be negligible over the 2012–2021 period. Enacting the bill would not affect revenues.

The bill would revise CBRS maps for several units within the system and, on net, add 45 acres of land to the CBRS. The modified maps would exclude certain private acreage, which would enable owners of several structures to purchase federal flood insurance. CBO estimates that, relative to current law, implementing H.R. 2027 could increase premium collections of the National Flood Insurance Fund by less than \$50,000 annually. Such collections would be offset by new mandatory spending for underwriting and administrative expenses and new flood insurance claims over the 2012–2021 period.

H.R. 2027 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. H.R. 2027 could affect direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that any net change in direct spending would be negligible over the 2012–2021 period. CBO estimates that, relative to current law, implementing H.R. 2027 could increase premium collections of the National Flood Insurance Fund by less than \$50,000 annually. Such collections would be offset by new mandatory spending for underwriting and administrative expenses and new flood insurance claims over the 2012–2021 period.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in Rhode Island.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104—4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

APPENDIX I: MAP

